



County of Saginaw
70th District State Court

111 S. Michigan Avenue
Saginaw, Michigan 48602
Telephone (989) 790-5363 / Fax (989) 790-5589
www.saginawcounty.com/districtcourt



DISTRICT JUDGES

Terry L. Clark
A.T. Frank
M. Randall Jurens

COURT ADMINISTRATOR

Cheryl B. Jarzabkowski

DISTRICT JUDGES

Kyle Higgs Tarrant
M.T. Thompson Jr.

November 7, 2013

Honorable Kevin Cotter, Chairman,
House Judiciary Committee
S1288 House Office Building
124 N. Capitol
Lansing, Michigan 48933

Re: HB 5125 / Reduction of Judicial Resources
Saginaw County District Court

Dear Chairman Cotter:

First, let me express my appreciation for allowing me to comment on HB 5125 which, among other things, proposes elimination of one of six district judgeships in Saginaw County (which, with an existing vacancy due to a retirement, would have an immediate effect).

As you know, HB 5125 is consistent with the State Court Administrative Office's recent Judicial Resources Recommendations (JRR). However, with due respect, the JRR provides an incomplete picture of what is happening in Saginaw County, and there are persuasive reasons to retain all six district court judgeships:

- ***District Court Functions Alone Require Five Judges.*** According to a 2010 weighted caseload study, **5.01 judges are required to perform basic district court functions** (e.g. arraignments, preliminary exams, misdemeanors, traffic, small claims, landlord-tenant, and civil cases under \$25,000). However, the JRR **does not take into account the significant circuit court functions we perform.**

Accordingly, logic dictates that more than 5 judges are necessary to perform additional functions.

- ***Felony Docket Assignments.*** In addition to our own district court docket, **all district judges assist circuit court** to address a serious backlog by retaining felony cases for trial, sentencing and post-judgment proceedings where the highest offense is OWI 3rd, DV 3rd, and/or marijuana possession 2nd.

The JRR does not take this into account.

If Saginaw County is reduced to only 5 district judges (i.e. the bare minimum to manage its own docket), there will be insufficient judicial resources to perform circuit court docket control.

- ***Business Court Assignments.*** Recent legislation, *MCL 600.8031 et seq.*, requires that Saginaw County establish a “business court” to handle all circuit court business and commercial disputes. Unique to the entire state, **a district judge has been appointed by the Supreme Court to serve as the circuit court’s business court judge** (myself), thus reducing availability to perform district court functions.

The JRR does not take this into account.

If our district court bench is reduced to only 5 judges, with one serving as circuit court’s business court judge, the court will be effectively left with 4± judges dedicated to perform basic district court functions that alone require 5.01 judges (much less assist in felony docket control).

- ***Specialty Courts.*** Responding to Governor Snyder’s call to action last year, district judges have also established other specialty courts (**servicing both district court misdemeanor and circuit court felony cases**): (1) Judge Frank operates a mental health court, and (2) Judge Tarrant operates a veterans court.

Specialty courts are, by definition, time-consuming operations; but the benefits to the participating defendants are potentially life-changing.

The JRR does not take this into account.

If we are reduced to 5 district judges (all engaged in circuit court felony work, and one largely diverted to circuit court’s business court) there will be insufficient judicial resources to conduct both specialty courts as well as maintain district court’s own docket that alone requires 5.01 judges.

In summary, the JRR provides an incomplete picture of the actual workload of the Saginaw County District Court.

Moreover, retaining 6 district judges will allow us to remain active in assisting with circuit court docket control (where additional resources are needed to cope with Saginaw’s major crime problem), more effectively manage circuit court’s business/commercial dispute docket, as well as service our newly created specialty courts, while still maintaining district court’s traditional functions (which alone require 5.01 judges).

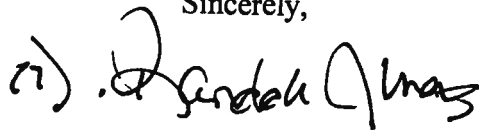
Ultimately, the goal must be the efficient delivery of quality judicial services to the citizens of the State of Michigan. The proposal to eliminate a district judgeship in Saginaw County, based on

an incomplete picture, will produce the opposite.

Whatever the merits of HB 5125 for other counties, I respectfully request deletion of the portion that would eliminate a Saginaw County District Judge.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Randall Jurrens". The signature is written in a cursive, flowing style with a large initial "M" and a long, sweeping underline.

M. Randall Jurrens,
Chief Judge

Attachments



John A. McColgan Jr. Saginaw County Prosecuting Attorney

COURT HOUSE
111 SOUTH MICHIGAN AVENUE
SAGINAW, MICHIGAN 48602

CHRISTOPHER S. BOYD

Chief Assistant Prosecuting Attorney

November 7, 2013

Honorable Kevin Cotter, Chairman
House Judiciary Committee
S1288 House Office Building
124 N. Capitol
Lansing, Michigan 48933

Re: HB 5125 / Reduction of Judicial Resources
Saginaw County District Court

Dear Chairman Cotter:

We the undersigned respectfully request your assistance in the timely filling of the above-described judicial vacancy. The vacancy occurred on January 1, 2013 when District Court Judge Christopher S. Boyd resigned from the bench to become the Saginaw County Chief Assistant Prosecuting Attorney.

As you know, Saginaw has one of the busiest court systems in the state and it is imperative we have a complete contingent of judges in place to administer justice fairly and swiftly. The Saginaw situation is unique. For the past few years, violent crime has escalated at a record pace, with the result that the Saginaw District Courts routinely handle the Circuit Court felony case overload.

As the elected leaders of law enforcement in Saginaw County, we appreciate your continuing efforts in addressing the crime problem in our state. Attached is a copy of a letter recently sent to Governor Snyder by Prosecuting Attorney John A. McColgan, Jr. which sets forth our position in more detail.

Sincerely,

John A. McColgan, Jr.
Saginaw County Prosecuting Attorney

William L. Federspiel
Saginaw County Sheriff

Christopher S. Boyd
Saginaw Chief Assistant Prosecuting Attorney
Former Saginaw County District Judge

RESOLUTION "B"

**OCTOBER 15, 2013
BOARD OF COMMISSIONERS
COUNTY OF SAGINAW**

RE: RESOLUTION IN SUPPORT OF THE PRESERVATION OF JUDICIAL RESOURCES

At a regular meeting of the Board of Commissioners of the County of Saginaw, State of Michigan, held in the City of Saginaw on the 15th day of October, 2013 at 5:00 o'clock p.m.

PRESENT - *Katie A. Greenfelder, Cheryl M. Hadsall, Michael J. Hanley, Kirk W. Kilpatrick, Dennis H. Krafft, Susan A. McInerney, Carl E. Ruth, Charles M. Stack, James G. Theisen, Robert M. Woods, Jr., Patrick A. Wurtzel*

ABSENT - *None*

Commissioner Hadsall offered the following resolution and moved its adoption. The motion was seconded by Commissioner McInerney:

WHEREAS, the State Court Administrative Office's recent Judicial Recommendations Report (JRR) recommended the elimination of a judgeship on the 70th District Court, reducing the number of judges from 6 to 5; and

WHEREAS, according to a 2010 weighted caseload study, 5.01 judges are required to perform basic District Court functions (e.g. arraignments, preliminary exams, misdemeanors, traffic, small claims, landlord-tenant, and civil cases under \$25,000); and

WHEREAS, in addition to the basic functions provided by District Court, three (3) specialty courts have been added to the Saginaw County court system that are operated by District Court judges, being Mental Health Court, Veterans Court and Business Court; and

WHEREAS, additionally, pursuant to the county courts' concurrent jurisdiction plan, District Court judges are also being assigned Circuit Court felony cases for all purposes, including trial and sentencing; and

WHEREAS, Saginaw is ranked number three (#3) in the nation by recent FBI statistics for violent crimes; and

WHEREAS, Saginaw's Circuit Judges, on average, have been trying more cases than any other Circuit in Michigan's 83 counties over the past three years; and

WHEREAS, if Saginaw County is reduced to five (5) District Court judges (all engaged in Circuit Court felony work and one largely diverted to the Circuit Court's Business Court) there will be insufficient judicial resources to conduct the specialty courts as well as maintain District Court's own docket that requires 5.01 judges; and

WHEREAS, retaining six (6) District Court judges will allow continued assistance with Circuit Court docket control (where additional resources are needed to cope with Saginaw's major crime problem), more effectively manage Circuit Court's business/commercial dispute docket, as well as service the newly created specialty courts while still maintaining District Court's traditional functions.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Saginaw County Board of Commissioners, being fully apprised of the foregoing facts, is opposed to the elimination of a judgeship on the 70th District Court; and, further,
2. The Saginaw County Board of Commissioners hereby requests that the current judgeship vacancy in the 70th District Court be filled by Governor Snyder.

Respectfully submitted,

SAGINAW COUNTY BOARD OF COMMISSIONERS
Michael J. Hanley, Chair

Yeas: - Katie A. Greenfelder, Cheryl M. Hadsall, Michael J. Hanley, Kirk W. Kilpatrick, Dennis H. Krafft, Susan A. McInerney, Carl E. Ruth, Charles M. Stack, James G. Theisen, Robert M. Woods, Jr., Patrick A. Wurtzel - 11

Nays: - 0

Absent: - 0

TOTAL: 11

STATE OF MICHIGAN }
 } ss
COUNTY OF SAGINAW }

I, the undersigned, the duly qualified and acting County Clerk of the County of Saginaw, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Saginaw County Board of Commissioners at a regular meeting held on the 15th day of October, 2013. I further certify that notice of the meeting was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended.

IN WITNESS WHEREOF, I have hereunto affixed my official signature and seal this 15th of October, 2013.



Susan Kaltenbach, Clerk
County of Saginaw

SEAL



Police Chiefs' Association of Saginaw County
4930 Shattuck Road
Saginaw, Michigan 48603

Federal ID# 38-2952292
Michigan PSO # PS 13617

Donald Mawer
President

Ronald Trepkowski
Vice President

Donald Pussehl
Secretary/Treasurer

Alva Swearengin
Trustee

Steven Kocsis
Trustee

Dear Representative Cotter:

October 6, 2013

I would like to thank you for participating in the Town Hall meeting on Friday (September 27, 2013) facilitated by Representative Tim Kelly at Thomas Township Hall in Saginaw County. Many facets of the Saginaw County Criminal Justice System and Community weighed in and explained how this proposed movement (elimination of a Judge position) will negatively affect our mission in Saginaw County which has been and is to make this county a safer more economically prosperous area and remove it from the most violent cities per capita list in the nation. I would like to recap some of the issues at hand affecting our system.

- As a proactive measure in 2010 the Saginaw County Circuit took a proactive measure and allowed some felony cases to be re-assigned and adjudicated in the District Court. Judge Boyd within a short time was able to clear 125 felony cases from the overburdened Circuit Court Docket. This was in the face of losing a magistrate position earlier. Without this position filled our system will without a doubt return to an overburdened ineffective system. Who will pick up this case load and take care of the misdemeanor cases, traffic, arraignments, preliminary exams etc. Judge Boyd was performing?
- Losing this position will have a devastating impact on law enforcement agencies overtime budgets due to the District Court handling traffic cases. It is not uncommon to have an officer subpoenaed to 2-3 different traffic cases spread throughout the day causing the agency to pay overtime for all this ineffective scheduling not to mention the sleep deprivation effecting officer safety experienced by the officer.
- The Saginaw County Board of Commissioner have already committed financially to this position in the upcoming budget in the face of tough financial times. They understand the importance of this position as it related to the safety and economical vitality to Saginaw County.

- The statistics provided to support this proposal appear to be suspect at best. Statistics can be manipulated to support either side of any situation. Such an important decision should not be made on mere statistics. There are always other matters to be considered and it does not appear it was in this proposal.
- During this meeting there was no support for this proposal. All those in attendance were adamant this is the wrong thing to do and will result in taking a huge step backwards in the face of rising violent crime.

In closing, this proposal has no viable means of making Saginaw a safer place which is in direct contradiction to Governor Rick Snyder's plan and promise to the State of Michigan. Saginaw was labeled by the Governor as one of four crime ridden cities which he was "committed" to focus crime suppression efforts. The Saginaw County Police Chiefs Association is opposed to the elimination of the Judgeship position as proposed. This proposal promises nothing positive for Saginaw County and will erase the progress setting Saginaw County back years in the progress which has been made. This is not a viable solution to whatever problem the State Court Administrators Office is attempting to solve. We urge you and your committee to do the right thing and stop this proposal based on common sense, the information summarized at the meeting, and the information supplied in the State Court Administrators report. If you have any further questions please feel free to contact our organization. We look forward to discussing this matter further.

Sincerely:

Donald Mawer

Donald Mawer
President, Saginaw County Police Chiefs Association

cc: Representative Tim Kelly, Saginaw County Board of Commissioners, Honorable
Randell Jurens, Honorable Frederick Borchard, Prosecutor John McClogan



515 N. Washington Avenue, Saginaw, MI 48607
Ph. 989-752-7161 • Fax. 989-752-9055
info@saginawchamber.org
www.saginawchamber.org

October 7, 2013

The Honorable Rick Snyder
Governor, State of Michigan
P.O. Box 30013
Lansing, Michigan 48909

Dear Governor Snyder,

We are writing in support of appointing a District Judge in Saginaw County to fill that vacancy that occurred early this year when Judge Chris Boyd vacated the spot to assist in the Saginaw County Prosecutor's Office.

The combination of Judge Boyd leaving and Judge Randy Jurens assigned to business court has created a shortage in Saginaw County District Court. In recent years, the District Court has handled the Circuit Court felony trial overflow. If this vacancy is not filled, it will assure that within one year the felony case backlog will be at levels where it took nearly three years to clear up by the district judges.

The violent crime rate in Saginaw may reach record levels in 2013. As of September 25, Saginaw County had recorded 27 homicides with 25 of those occurring in the City of Saginaw. The business community supports recognizes that anything diminishing the efforts to bring about a safe community seriously affects efforts to attract and retain businesses in the City of Saginaw and the entire Great Lakes Bay Region.

You identified Saginaw as one of four communities in Michigan targeted for resources from the State of Michigan for the improvement of public safety. We recognize and sincerely thank you for the efforts of your administration so far. Filling this vacancy and not eliminating it will send a strong message by your administration that reducing crime in Saginaw continues to be a high priority.

The strength of the public safety "chain" is only as strong as its weakest link. Filling this District Court Judge position is a critical step in keeping the public safety chain intact.

The Saginaw County Chamber of Commerce thanks you for your leadership and pragmatic decisions that have turned this state's financial condition and economy around we urge you to act swiftly in filling the District Court Judge position.

Sincerely,

Bob VanDeventer, President & CEO
Saginaw County Chamber of Commerce

Veronica L. Horn, Executive Vice President
Saginaw County Chamber of Commerce

Officers

Alexander D. Bommarito - President
Julie A Gafkay- Immediate Past President
Andrea J. LaBean—Vice President
Jennifer Lynn LaMay - Treasurer
Katheryn A. Houck - Secretary

Executive Director - Kelli Scorsone



Directors

Demond L. Tibbs
Philip Ellison
Christopher J. Radke
Elian Fichtner
Nathan J. Collision
Hon. M. Randall Jurens

SAGINAW COUNTY BAR ASSOCIATION
111 S. MICHIGAN AVE.
SAGINAW, MI 48602
(989) 790-8488

scba@saginawcounty.com

Transmitted via email to dmains@house.mi.gov

July 19, 2013

Mr. Douglas E. Mains
Policy Advisor and Associate Legal Counsel
House Republican Policy Office
621 South House Office Building
PO Box 30014
Lansing, Michigan 48909-7514

Re: Judicial Resources Recommendations / Saginaw County District Court

Dear Mr. Mains:

Your July 17, 2013 email requested feedback from the SCBA regarding the recent Judicial Resources Recommendations (JRR) report that recommended Saginaw County District Court be reduced by one judgeship.

With due respect to the State Court Administrative Office (SCAO), the SCBA believes the recommendation is ill-advised and based on an incomplete picture of what is happening in Saginaw County.

As you may know, the SCAO's recommendation to eliminate a district court judge was based on a 2010 weighted caseload study that concluded that Saginaw County's district court docket required 5.01 judges.

However, there are persuasive reasons why the Legislature should allow Saginaw County to retain all of its 6 district court judgeships (and encourage the Governor to fill the existing vacancy):

- **District Court Functions Alone Require Five Judges.** According the 2010 weighted caseload study, **5.01 judges are required to perform basic district court functions** (e.g. arraignments, preliminary exams, misdemeanors, traffic, small claims, landlord-tenant, and civil cases under \$25,000).

Accordingly, logic dictates that more than 5 judges are necessary if our county's district court is to perform additional functions.

- **Felony Docket Assignments.** In addition to managing their own district court docket, since 2010 **all district judges have been assisting circuit court** to address a serious backlog by retaining felony cases for trial, sentencing and post-judgment proceedings where the highest offense is OWI 3rd, DV 3rd, and/or marijuana possession 2nd.

This has largely contributed to reduction of circuit court's backlog of "delayed" felony cases (i.e. cases older than 301 days) from 155 to 3.

If Saginaw County is reduced to only 5 district judges (i.e. the bare minimum to manage its own docket), there will be insufficient judicial resources to assist in circuit court docket control (inevitably resulting in recurrence of the unacceptable felony backlog existing prior to district judges' intervention).

- **Business Court Assignments.** Recent legislation, *MCL 600.8031 et seq.*, requires Saginaw County establish a "business court" to handle all circuit court business and commercial disputes. Unique to the entire state, **a district judge** (Judge Jurrens) **has been appointed** by the Supreme Court **to serve as the county's business court judge**, thus reducing his availability to perform district court functions (much less assist in felony docket control).

So, if our county's district court is reduced to only 5 judges, with one serving as circuit court's business court judge, the court will be effectively left with 4± judges dedicated to perform basic district court functions requiring 5.01 judges.

- **Specialty Courts.** Responding to Governor Snyder's call to action last year, district judges have also established other specialty courts (**servicing both misdemeanor and felony cases**): (1) Judge Frank operates a mental health court, and (2) Judge Tarrant operates a veterans court.

Specialty courts are, by definition, time-consuming operations; but the benefits to the participating defendants are potentially life-changing.

If Saginaw County is reduced to 5 district judges (all engaged in circuit court felony work, and one largely diverted to business court) there will be insufficient judicial resources to conduct both specialty courts as well as maintain district court's own docket that alone require 5.01 judges.

In summary, retaining 6 district judges will allow our district court bench to remain active in assisting with circuit court docket control (where additional resources are needed to cope with Saginaw's major crime problem), more effectively manage circuit court's business/commercial dispute docket, as well as service the newly created specialty courts,

while still maintaining district court's traditional functions (which alone requires 5.01 judges).

Accordingly, the SCBA respectfully submits that there is no compelling reason to eliminate any Saginaw County judgeship. To the contrary, our county's courts have made remarkable progress in the last few years only because they have had sufficient judicial resources to respond to an increasingly demanding environment.

Thank you for inviting SCBA's reaction to the SCAO's ill-conceived recommendation, based on incomplete data, which, if implemented, will have significant adverse consequences to the efficient delivery of judicial in Saginaw County.

Sincerely,

Alexander D. Bommarito,
President, Saginaw County Bar Association

THE 10TH CIRCUIT COURT



111 SOUTH MICHIGAN AVENUE
SAGINAW, MICHIGAN 48602

AREA CODE 989-790-5470
FAX 989-793-8180

September 27, 2013

Honorable Kevin Cotter, Chairman,
House Judiciary Committee
S1288 House Office Building
124 N. Capitol
Lansing, Michigan 48933

Re: Preservation of Judicial Resources

Dear Chairman Cotter:

As you and Chairman Jones contemplate the State Court Administrative Office's recent Judicial Recommendations Report (JRR), please consider that the undersigned judges for Saginaw County *unanimously oppose elimination of a judgeship* on the 70th District Court.

With due respect, the JRR provides an incomplete picture of what is happening in Saginaw County, and there are persuasive reasons why the Legislature should allow Saginaw County to retain all of its 6 district court judgeships (and encourage the Governor to fill the existing vacancy):

- ***District Court Functions Alone Require Five Judges.*** According to a 2010 weighted caseload study, **5.01 judges are required to perform basic district court functions** (e.g. arraignments, preliminary exams, misdemeanors, traffic, small claims, landlord-tenant, and civil cases under \$25,000). **IT IS IMPORTANT TO NOTE THE JRR DOES NOT TAKE INTO ACCOUNT THE ADDED TIME REQUIRED BY THREE SPECIALTY COURTS CONDUCTED BY THE DISTRICT COURT, OR THE ADDED BURDEN OF FELONY CASES ASSIGNED TO IT UNDER THE COURTS' CONCURRENT JURISDICTION PLAN.**

Accordingly, logic dictates that more than 5 judges are necessary if our county's district court is to perform additional functions.

- ***Felony Docket Assignments.*** In addition to their own district court docket, **all district judges assist circuit court** address a serious backlog by retaining felony cases for trial, sentencing and post-judgment proceedings where the highest offense is OWI 3rd, DV 3rd, and/or marijuana possession 2nd.

This has largely contributed to the reduction of circuit court's number of "delayed" felony cases (i.e. "open" cases older than 301 days) from 155 to 5.

If Saginaw County is reduced to only 5 district judges (i.e. the bare minimum to manage its own docket), there will be insufficient judicial resources to perform circuit court docket control (inevitably resulting in recurrence of the unacceptable felony backlog existing prior to district judges' intervention).

- **Business Court Assignments.** Recent legislation, *MCL 600.8031 et seq.*, requires that Saginaw County establish a "business court" to handle all circuit court business and commercial disputes. Unique to the entire state, a **district judge** (Judge Jurrens) **has been appointed** by the Supreme Court to **serve as the circuit court's business court judge**, thus reducing availability to perform district court functions.

So, if our district court bench is reduced to only 5 judges, with one serving as circuit court's business court judge, the court will be effectively left with 4± judges dedicated to perform basic district court functions that alone require 5.01 judges (much less assist in felony docket control).

- **Specialty Courts.** Responding to Governor Snyder's call to action last year, district judges have also established other specialty courts (**servicing both district court misdemeanor and circuit court felony cases**): (1) Judge Frank operates a mental health court, and (2) Judge Tarrant operates a veterans court.

Specialty courts are, by definition, time-consuming operations; but the benefits to the participating defendants are potentially life-changing.

If Saginaw County is reduced to 5 district judges (all engaged in circuit court felony work, and one largely diverted to circuit court's business court) there will be insufficient judicial resources to conduct both specialty courts as well as maintain district court's own docket that alone requires 5.01 judges.

In summary, retaining 6 district judges will allow continued assistance with circuit court docket control (where additional resources are needed to cope with Saginaw's major crime problem), more effectively manage circuit court's business/commercial dispute docket, as well as service our newly created specialty courts, while still maintaining district court's traditional functions (which alone require 5.01 judges).


Ultimately, the goal must be the efficient delivery of quality judicial services to the citizens of Saginaw County. The JRR recommendation to eliminate a district judgeship, based on an incomplete picture, will produce the opposite.

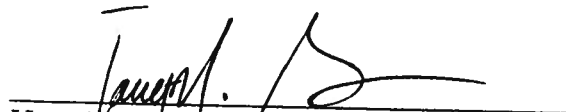
We respectfully request you decline any proposal to reduce the number of judges in Saginaw County. Thank you.

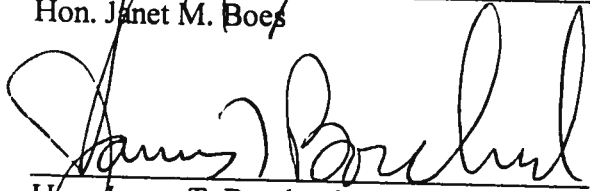
Respectfully,

Judges of the 10th Circuit Court:


Hon. Robert L. Kaczmarek

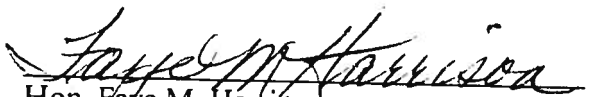

Hon. Fred L. Borchard


Hon. Janet M. Boes

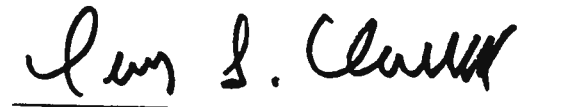

Hon. James T. Borchard


Hon. Darnell Jackson

Judges of the Probate/Family Division Court:



Hon. Faye M. Harrison

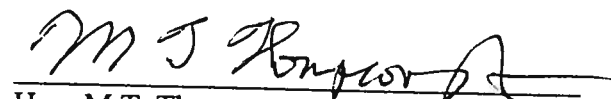
Judges of the 70th District Court:

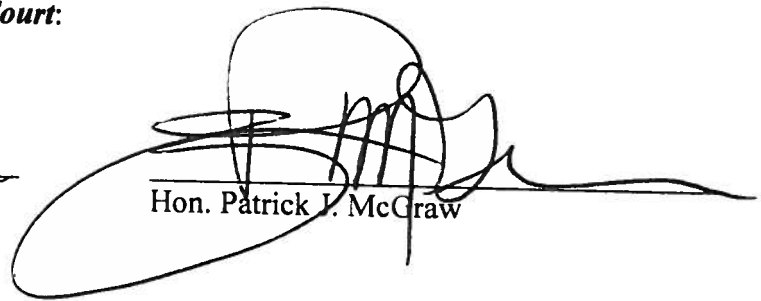

Hon. Terry L. Clark


Hon. A.T. Frank


Hon. M. Randall Jurrens


Hon. Kyle Higgs Tarrant


Hon. M.T. Thompson


Hon. Patrick J. McGraw

copy: Representative Tim Kelly, 94th District
Representative Ben Glardon, 85th District
Representative Stacy Erwin Oakes, 95th District

M. RANDALL JURRENS
DISTRICT JUDGE



STATE OF MICHIGAN
70TH DISTRICT COURT

SAGINAW COUNTY COURTHOUSE
111 S. MICHIGAN AVENUE
SAGINAW, MICHIGAN 48602-2086

TELEPHONE (989) 790-5365
FAX (989) 790-5589
E-MAIL D70-5@SAGINAWCOUNTY.COM

April 19, 2013

delivered electronically to kilmerb@courts.mi.gov

Mr. J. Bruce Kilmer
Regional Administrator, Region III
State Court Administrative Office
PO Box 750
Mt. Pleasant, Michigan 48804-0750

Re: Extended Analysis of Judicial Resources Worksheet

Dear Mr. Kilmer:

Please find the attached joint Extended Analysis of Judicial Resources Worksheet for the circuit, probate and district courts of Saginaw County.

If any further information or analysis is desired, don't hesitate to contact me. Otherwise, thank you for your courtesies and thoughtful consideration.

Sincerely,

M. Randall Jurrens

M. Randall Jurrens

Attachment

An Extended Analysis of Judicial Resources

Worksheet

Instructions: To assist the State Court Administrative Office in evaluating the judicial need in your courts, answer the following questions and return to your Regional Administrator. Provide as much explanation and substantiating information as necessary.

Courts: Saginaw County Circuit (C-10), Probate, and District (D-70)

Contact Person: M. Randall Jurrens, Chief District Judge

Phone Number: (989) 790-5365

A. Case Related Factors

A.1 Did your court report all new filings received in 2010, 2011, and 2012 to the State Court Administrative Office through the Caseload Reporting System (CRS)? If not please explain and provide complete data.

Response: All new filings received in 2010, 2011, and 2012 were reported as required by each court.

A.2 Are any types of dispositions (such a jury trials) abnormally high or low relative to similar sized courts? If so, provide relevant data and explain if these are due to counting procedures, preference of the bench, or external influences such as the preference of the litigants.

Response:

Circuit Court: Criminal trials, particularly jury trials, are abnormally high relative to similar sized courts:

Court	County	No. of Circuit Judges	2011 Criminal Jury Trials	2011 Avg Criminal Jury Trials Per Judge	2012 Criminal Jury Trials	2012 Avg Criminal Jury Trials Per Judge
C-02	Berrien	4	42	10.50	not avail.	not avail.
C-04	Jackson	4	43	10.75	"	"
C-07	Genesee	9	36	4.00	"	"
C-09	Kalamazoo	5	45	9.00	"	"
C-14	Muskegon	4	21	5.25	"	"
C-20	Ottawa	4	16	4.00	"	"
C-22	Washtenaw	5	23	4.60	"	"
C-10	Saginaw	5	100	20.0	79	15.8

Importantly, even the 100 reported criminal jury trials understates our court's productivity that resolved 123 files by jury trial in 2011: i.e. some cases had to be re-tried following hung juries/mistrials, and some trials included consolidated cases of multiple defendants

In any event, we are advised that **no other circuit court in the state has a higher number of jury trials per judge.**

Probate Court: An abnormally high number of custody trials (Family Division cases assigned to the Probate Judge) are reported relative to similar sized courts, which appears related to the high number of pro se litigants that, presumably, is a function of the high rate of unemployment in Saginaw County.

District Court: No abnormally high/low types of disposition identified.

A.3 Could your court operate with fewer judges by changing the manner in which cases are handled or disposed? If so, how?

Response:

No changes in the manner in which cases are handled or disposed have been identified that would reduce the number of judges needed in Saginaw County.

Saginaw County already operates under a concurrent jurisdiction plan. Even with ongoing reassignment of cases to match existing resources, a backlog of felony cases continues (although significantly reduced) (See A.4 below).

While still maintaining a full district court docket, **district judges have been providing significant assistance to circuit court:**

	<i>Felony Assignments</i>	<i>Felony Trials</i>	<i>Felony Pleas</i>	<i>Expedited Felony Pleas¹</i>	<i>Total Dispositions</i>
2011	273	13	189	45	247
2012	275	2	234	50	286

And in 2013, the role of district judges is again being expanded to implement **three new specialty courts** -- a mental health court, a veterans court, and a business court² -- thus straining available judicial resources to perform district

¹ "Expedited pleas" describes pleas taken by district judges pursuant to MCR 6.111(A), immediately after bindover before transfer to circuit court for sentencing, as opposed to cases retained by district judges acting as circuit judges under the courts' concurrent jurisdiction plan (i.e. "felony assignments").

² Although the business court has been created to handle all circuit court business and commercial disputes (as mandated by MCL 600.8031 et seq.), the Supreme Court has assigned a district judge to serve in the role as business court judge.

court's traditional, statutory function that itself requires 5 judges (per recent weighted caseload study).

The number of necessary judges in Saginaw County is also affected by the separate facilities operated by the Circuit Court's Family Division at the Juvenile Center located 7 miles from the county courthouse, effectively requiring its own judge, probation officers, clerical staff, and detention facility.

Accordingly, it is difficult to understand how local courts can be expected to perform additional functions (some of which are, by definition, labor intensive) with fewer judicial resources.

A.4 Does your court currently have an abnormally large backlog of cases? If so, identify the case types and provide relevant caseload numbers. Is the backlog due to lack of judicial resources, case processing preferences, staff shortages, or other reasons?

Response:

Circuit Court: AO 2011-3 directs adjudication of 100% of felony cases within 301 days of bindover. Although pending cases were as high as 155 in 2010, remarkable progress has been made in reducing the backlog:

Delay in Criminal Proceedings (over 301 days)									
	2011				2012				2013
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1
disposed	61	84	79	57	58	42	28	17	34
pending	133	106	95	73	54	43	28	27	10

Criminal Proceedings Percentage of Case Adjudicated Within 301 days (Caseflow Guidelines Recommend 100%)	
Year	10 th Circuit Court
2010	70%
2011	73%
2012	82%

Anecdotally, the reduction in pending cases is attributable to two factors: (1) all district judges (6, until retirement of one on 12-31-12) retaining specified classes of felony cases at time of bindover (with disposition by plea generally occurring within 90 days), and (2) circuit judges actively disposing of cases through trial.

In 2012 the county's five circuit judges resolved 83 felony cases by trial (79

jury trials and 4 bench trials; and 2013 YTD, the court has already conducted 15 felony jury trials (as of 04-19-13). We are advised that **no other circuit court in the state is more active** on a per judge basis.

Indeed, comparison to other counties is enlightening³:

<i>Court</i>	<i>County</i>	<i>No. of Circuit Judges</i>	<i>No. of Probate Judges</i>	<i>2011 Criminal Capital Filings</i>	<i>Total 2011 Criminal Filings (including Capital)</i>	<i>Avg Criminal Cases Per Judge</i>	<i>2011 Jury Trials</i>
C-02	Berrien	4	2	50	1,275	319	42
C-04	Jackson	4	1	40	758	189	43
C-07	Genesee	9	2	212	1,899	211	36
C-09	Kalamazoo	5	3	52	1,841	368	45
C-14	Muskegon	4	2	40	1,369	342	21
C-20	Ottawa	4	1	41	918	229	16
C-22	Washtenaw	5	2	107	1,991	398	23
C-10	Saginaw	5	2	78	1,531	306	100

Although 2012 statistics for other counties are not available, Saginaw continues to actively reduce its felony backlog:

<i>Court</i>	<i>2012 Criminal Capital Filings</i>	<i>Total 2012 Criminal Filings (including Capital)</i>	<i>Avg. Cases Per Judge</i>	<i>2012 Jury Trials</i>
C-10	81	1,328	265.6	79

Focusing on Genesee County, effectively twice the size of Saginaw County, emphasizes the point: Saginaw had 1,531 new felony filings in 2011, Genesee had only 1,899. Saginaw disposed of 1,871 felony cases, Genesee only 2,041; and **Saginaw conducted 100 jury trials (plus 2 criminal bench trials, plus 12 civil jury trials, plus 28 civil bench trials, plus 1 juvenile jury trials, plus 55 juvenile bench trials)**, while Genesee processed only 36 criminal jury trials and 9 criminal bench trials.

Probate Court: There is no abnormally large backlog of cases.

District Court: Presently, there is no abnormally large backlog of cases. However, due to an **unfilled vacancy** resulting from the recent retirement

³ 2011 is the most recent year that statistics are available for all counties.

of a district judge, the prior elimination of a Magistrate, the assignment of a significant felony caseload, and the impending implementation of three specialty courts (mental health court, veterans court, and business court), the potential for backlog must be acknowledged.

A.5 In general, is the docket actively managed by the court or is it largely managed by attorney prerogative? Does your court follow its caseflow management plan? If not, which areas are not implemented?

Response: In all courts, the docket is actively managed by the court, the caseflow management plan is observed, and adjournments are limited.

A.6 Does your court operate a problem-solving court, such as a drug court, sobriety court, family dependency court, juvenile court, veterans' court, or mental health court? If so, how many judges participate in this program, how much time do they spend on this court, how many open cases are there currently, how long has it been in operation, and what is the source of funding for this court?

Response:

Circuit Court: A **drug court** has been recently established for eligible felony cases, and a **business court** is being established to adjudicate business and commercial disputes⁴.

Family/Juvenile Court: A **family dependence court** has been established for over one year (with 6-12 participants at any one time), and a **truancy/attendance court** is being developed (with an anticipated 30 participants at any one time).

District Court: A **mental health court** has been established for eligible misdemeanor and felony cases, and a **veterans court** is actively being developed for eligible misdemeanor and felony cases.

A.7 Does your court have a larger proportion of pro se litigants than other courts? If so, provide substantiating numbers.

Response:

Circuit Court: No disproportionate burden identified.

Probate Court: The vast majority of guardianships and conservatorships are done pro se.

District Court: No disproportionate burden identified.

⁴ A district judge has been assigned by the Supreme Court to serve in the role as business court judge.

A.8 Does your court have a larger proportion of cases requiring an interpreter than other courts? If so, provide substantiating numbers.

Response: No disproportionate burden identified.

A.9 Does your court have an unusually large proportion of active cases (primarily in probate courts)? If so, provide substantiating numbers.

Response:

Circuit Court: No disproportionate burden identified.

Probate Court: Minor guardianships generally continue until the minor attains the age of 18. Until then, numerous hearings are often required (which are not reflected in case reporting), including petitions for termination, a successor fiduciary, visitation and/or use of funds.

Adult guardianships/conservatorships generally continue until death. Until then, numerous hearings are often required, including petitions for termination, removal, successor fiduciary, instructions, sale of real estate, requests for use of funds, bond modifications, DNR orders, sterilizations, allowance of accounts, fiduciary and attorney fees.

District Court: None identified.

A.10 Would a concurrent jurisdiction plan for the courts in your jurisdiction help reduce the need for judgeships? If not, why?

Response: Saginaw County courts **already adopted a concurrent jurisdiction plan.**

A.11 Does your court have an alternative dispute resolution (ADR) plan? How many (and what proportion of) cases are resolved through case evaluation? How many (and what proportion of) cases are referred to facilitative mediation?

Response: All courts have adopted a joint Alternative Dispute Resolution Plan, LAO 2008-01J, that embraces case evaluation, MCR 2.403, facilitative mediation, MCR 2.411, and domestic relations mediation, MCR 3.216.

Circuit Court:

2012 Case Evaluation Referrals / Resolutions	2012 Facilitative Mediation Referrals / Resolutions
239 / 60 ⁵	statistics not available

⁵ This represents only cases resolved by acceptance of evaluation awards within the formal MCR 2.403 process, and does not reflect cases subsequently settled as a direct/indirect result of the evaluation process.

Probate Court:

2012 Case Evaluation Referrals / Resolutions	2012 Facilitative Mediation Referrals / Resolutions
	7 / 5

District Court:

2012 Case Evaluation Referrals / Resolutions	2012 Facilitative Mediation Referrals / Resolutions
6 / 5	0 / 0

A.12 Are there other case related factors related to judicial need in your court?

Response:

Circuit Court: Based on FBI crime statistics for the past decade, Saginaw has historically been the most (or nearly most) violent city in the country. This impacts not only the number of new filings but, importantly, the type of filings. For example, Saginaw suffered **30 homicides** in 2012. And 2013 appears to be on the same pace, with 7 murders reported as of 4-11-13. Given the volume and nature of major crime in Saginaw, there is anecdotal evidence that an **abnormally high number of trial days** are required (although statistics on this specific item are not maintained).

Probate Court: In addition to the 625 dispositions of mentally ill petitions, the court processed another 492 mentally ill cases on assignment in 2012.

B. Resource Factors

B.1 Does your court have an adequate number of staff to operate successfully? If not, how does the number of staff compare to similarly sized courts?

Response:

Budgetary constraints experienced by the funding unit has resulted in a noticeable loss of employees over the past ten years.

Circuit Court: reduced by 14% (4 positions)

Family/Juvenile Court: reduced by 33% (10 positions)

Probate Court: reduced by 11% (1 position)

District Court: reduced by 14% (8 positions)

Saginaw County remains financially distressed, and further staff reductions are possible with each budget cycle.

B.2 List the quasi-judicial officers (QJOs) employed by your court and their title – magistrate, referee, register, law clerk, etc.

- Identify the total number of hours each QJO works per week (include QJO tasks and any other tasks).
- Identify the primary QJO duties of each QJO, e.g. conducting hearings, legal research, drafting documents, etc. Identify how much time each QJO spends on these tasks.

Response:

QJO Court/Title	#	Total Hours/Week	QJO Duties/Hours
<i>Circuit Court</i>			
FOC Referee	1	40	conduct hearings – 16 hours/wk legal research and writing – 24 hours/wk
Law Clerk	5	40	bailiff – 10 hours/wk legal research and writing – 30 hours/wk
<i>Family/Juvenile Court</i>			
Referee	2	80	conduct hearings – 40 hours/wk (x 2)
<i>Probate Court</i>			
Register	1	40	administration – 40 hours/wk
<i>District Court</i>	none		

B.3 If a QJO performs other duties for the court, describe those duties. Identify how much time each QJO spends on these tasks.

Response:

Probate Court: Register spends 4-5 hours per week meeting with attorney and/or pro se litigants regarding resolution of case deficiencies.

B.4 How many days did a visiting judge sit in your court each year for the last three years? How much did the court spend each of those years for visiting judge services?

Response:

Circuit Court:

	2010	2011	2012
Total Visiting Judge Days	49	34	56
Total Cost	\$12,172	\$8,344	\$12,895

Probate Court:

	2010	2011	2012
Total Visiting Judge Days		1	0
Total Cost		\$497.50	0

District Court:

	2010	2011	2012
Total Visiting Judge Days	2	1	1
Total Cost	\$-0-	\$-0-	\$-0-

B.5 What degree of automation is available in your court? Does equipment need to be updated? Could automation be used to reduce judicial resource need? Does the court utilize video-conference (polycom) equipment to save travel time and improve efficiency? Explain.

Response:

Saginaw County courts take advantage of current technology.

All Courts:

- MCAP reports submitted electronically
- SOS reporting (abstracts/suspensions) submitted electronically
- JIS (local version)
- TIS
- CIS
- cumulative shared database (jail/prosecutor/D-70/C-10)
- Westlaw
- email
- instant messaging (bench, office and staff)
- all courts are equipped with two-way interactive video technology allowing proceedings to be conducted with defendants and/or witnesses at remote locations

Circuit Court:

- "real time" court reporting

Probate Court:

- T-1 line and internet for mentally ill hearings
- real time court reporting
- deficiency notices
- website www.saginawcounty.com/probate

District Court:

- e-tickets
- e-warrants
- pre-trial and trial notices delivered electronically to county/municipal prosecutors and criminal defense attorneys
- probation department "shared file" system
- digital court recordings
- website www.saginawcounty.com/districtcourt
- wi-fi available

B.6 Does your court have adequate facilities? How many locations are available? Could the court operate more efficiently with fewer locations ? Explain.

Response:

The Family/Juvenile Court is located at the Saginaw County Juvenile Center (including judge, courtrooms, referees, probation officers, clerical staff, and detention facility), and is located **seven miles from the county courthouse**. This geographic separation has obvious implications in attempting to coordinate judicial resources (as well as scheduling private attorneys practicing in both locations) and administering jury trials.

B.7 Briefly describe any concurrent jurisdiction plans that have been approved by SCAO or are in development by the court. Are these plans fully implemented? If not, what has not been implemented?

Response:

On April 4, 2012 the Supreme Court approved a concurrent jurisdiction plan for the Saginaw County Circuit, Probate and District Courts, effective August 1, 2012 (AO 2012-1).

The plan broadly authorizes judges of each court to exercise the power and jurisdiction of each other court. Currently, pursuant to the plan and local administrative orders implementing the plan, in addition to traditional caseload,

Circuit Court: conducts arraignments and take pleas on misdemeanor charges

Probate Court: administers circuit court family division cases, and assists circuit court by taking "spins" on felony trials

District Court: takes pleas on any felony charge, conduct trials and sentence on specified felony cases (operating while intoxicated 3rd, domestic violence 3rd, and marijuana possession 2nd), handles civil infractions committed by juveniles, and will soon be assigned all circuit court business and commercial disputes.

B.8 Is your courts' funding unit in bankruptcy or under the control of an emergency financial manager? Would the addition of more QJOs relieve the need for judgeships?

Response:

Although financially distressed, Saginaw County is not in bankruptcy or under the control of an emergency financial manager. Additional QJOs (particularly a district court magistrate) -- if the county could afford them -- would provide some relief to the current complement of judges.

B.9 Are there other resource factors related to judicial need in your court?

Response: None identified.

C. Environmental Factors

C.1 Do you anticipate growth or decline in infrastructure, industry, business activity, or social institutions which may affect judicial workload for your court? If so, what are these changes?

Response:

The county economic development agency, Saginaw Future Inc., projects 8,710 (4.7%) new jobs by 2016.

Given the presence of regional hospitals in Saginaw, a good portion of the anticipated new jobs (3,065, or 35%) are anticipated in health care (an industry with the recognized potential of generating civil litigation).

Major business expansions have also been announced by Morley Companies, Inc.

Central Michigan University has announced plans to begin construction of a new \$18 million medical campus in Saginaw in the fall of 2013, with students anticipated in 2015.

General Motors recently announced a \$72 million upgrade at area automotive plants.

C.2 Do the practices of retained attorneys, appointed attorneys, and prosecutors

increase the judicial need in your court? (for example, charging and pleas practices, unwillingness to stipulate, etc.) If so, explain.

Response:

Unlike other counties where felony cases are commonly disposed of by bench trial, defense counsel in Saginaw County invariably demand trial by jury, which tends to increase additional trial days:

<i>Court</i>	<i>County</i>	<i>2011 Total Trials</i>	<i>2011 Bench Trials</i>	<i>% Bench</i>	<i>2011 Jury Trials</i>	<i>% Jury</i>
C-04	Jackson	62	19	30.6%	43	69.35%
C-07	Genesee	45	9	20.00%	36	80.00%
C-14	Muskegon	54	33	61.11%	21	38.88%
C-10	Saginaw	102	2	1.96%	100	98.03%

Also, Saginaw County's prosecutor has historically affected aggressive policies and practices that contributed to a heavy trial docket, thus impacting judicial resources: e.g. limited delegation of authority to assistant prosecutors to engage in plea bargaining generally, declining to plea bargain in cases where judge engaged in preliminary sentence evaluation discussions, and no plea bargains, in any event, for several classes of cases. It is too early to say what effect the new prosecutor, who took office 1-1-13, will have on judicial need.

C.3 What is the level of support for changing the size of the bench locally? Identify the parties that support and oppose the change and their reasons for their positions.

Response:

There is no known local support for reduction in the size of the bench.

Rather, particularly in the Family Division where the court has formed working relationships with many partner agencies similarly dedicated to children's welfare (e.g. DHS, CMH, Child Abuse Neglect Council, police, etc.), significant opposition to loss of their judge would be expected.

C.4 Describe any local financial issues affecting a change in the size of the bench.

Response: None identified at this time.

C.5 Are there any population trends in your court's jurisdiction which may affect caseload? If so, what are these trends?

Response:

The US Census Bureau reports Saginaw County 2010 population as 200,169; a 4.7% decline from the 2000 census of 210,039. However, the loss of population does not necessarily fall proportionally across all social and economic strata.

Of the remaining county population, **19% live in poverty** (including 28% of children under age 18), and 16% of households are headed by females (of which 42% live below the poverty level). These and other factors foreshadow continuing social instability and court caseload.

Conversely, anticipated growth in the county's hospital/health care industry and a new medical school will tend to reverse the population decline of the past decade.

C.6 Are there other environmental factors related to judicial need in this court?

Response:

Saginaw County is a regional medical center serving mid- and northern Michigan through two major hospitals (Covenant Healthcare and St. Mary's of Michigan), a Veterans Administration Hospital, and a county hospital (Healthsource); together with being host of innumerable physicians and allied health care professionals; together with the impending construction of a new medical campus by Central Michigan University. The dominance of the healthcare industry in Saginaw results in time-consuming medical malpractice cases (with certain defendants/insurers requiring trial of every case), as well as other industry-related cases (e.g. wrongful termination, practice dissolution, debt collection, and insurance claims).

D. Other Factors

D.1 Are there any other factors related to the judicial need in your court?

Response:

Family/Juvenile Court: The court currently participates in the Disproportionate Minority Contact (DMC) initiative which has become a model for the state and nation.

The court is also involved in the Disconnected Youth Program, and recently established a Regional Truancy Task Force in partnership with Genesee County.

In an effort to affirmatively address truancy, an "Attendance Court" is being developed in collaboration with several partner agencies

Given the current caseload, the substantial population of at-risk youth, the breadth and depth of judicially supervised programs provided, and the distance of the Juvenile Center from the courthouse, the need for a dedicated Family/Juvenile Court judge appears obvious.

Probate Court: In addition to the court's own caseload, a local regional hospital housing mentally ill patients generated 492 petitions in 2012 alone, dramatically increasing demand on court resources.

District Court: Over the past two years, with a full complement of **6 judges**, district court has been able to significantly assist circuit court's disposition of felony cases, reducing pending cases older than 301 days from 155 to 10. However, the bench is currently **reduced to 5** due to an unfilled vacancy resulting from a recent retirement.

The recent weighted caseload study indicates that 5 judges are needed to perform district court's own statutory mandate. This leaves **no judicial surplus available to assist circuit court docket control** (which, if discontinued, will presumably result in reoccurrence of an unacceptable felony backlog). And the lack of extra capacity is being aggravated as district judges are currently being expected to take on **yet additional roles presiding over the county's mental health court, veterans court, and business court**.

In short, the court cannot be reasonably expected to shoulder a succession of additional roles, over and above its traditional function (that itself statistically require 5 judges to adequately perform), without adding to its current complement of 5 judges.

D.2 Are there any changes in policy or court operations that might affect judicial need in your court?

Response:

Saginaw County judges operate (or will operate in the near future) several specialty courts: i.e. drug court, mental health court, family dependence court, truancy/attendance court, business court, and veterans court.

These courts, by their very nature, are labor intensive if the desired beneficial results are to be achieved. Specialty court judges meet with participants and members of their professional treatment team on a regular basis, consuming significantly more time than in traditional sentencing. This can occur only if sufficient judicial resources are available.

Court operations will be furthered affected as a district judge is being diverted to serve as circuit court's business court judge, at a time when the district court bench is already diminished from 6 to 5 (due to a vacancy resulting from a retirement). This not only affects district court's ability to perform its own statutory function (which the weighted caseload indicates requires 5 judges), it affects district court's ability to assist in circuit court docket control that has helped reduce the delayed felony caseload from 155 to 10 in two years.

In other words, Saginaw County's remarkable progress, from specialty courts to improved docket control, will be jeopardized in the absence of necessary judicial resources.

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